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**FINAL FINDING OF SUITABILITY TO TRANSFER (FOST) # 3, CARVE-OUTS  
I-C AND II-U (PUBLIC DOCUMENT)**

08/01/2008

ENVIRO COMPLIANCE SOLUTIONS, INC.

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Final

# **Finding of Suitability to Transfer #3**

(Carve-outs I-C and II-U)

Former Marine Corps Air Station

El Toro, California

August 2008

DCN: ECS-1013-0000-0103

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## ACRONYMS AND ABBREVIATIONS

ACM	asbestos-containing material
BRAC	Base Realignment and Closure
CCR	California Code of Regulations
CERCLA	Comprehensive Environmental Response, Compensation, and Liability Act
CEQA	California Environmental Quality Act
DERP	Defense Environmental Restoration Program
DFSP	Defense Fuel Supply Point
DoD	Department of Defense
DON	Department of the Navy
DTSC	Department of Toxic Substances Control
EBS	Environmental Baseline Survey
ECS	Enviro Compliance Solutions, Inc.
EPA	Environmental Protection Agency
FFA	Federal Facility Agreement
FOST	Finding of Suitability to Transfer
HSC	Health and Safety Code
JEG	Jacobs Engineering Group
JP-5	jet petroleum fuel, grade 5
MCAS	Marine Corps Air Station
NFA	No Further Action
NOE	Notice of Exemption
OCHCA	Orange County Health Care Agency
RCRA	Resource Conservation and Recovery Act
RWQCB	Regional Water Quality Control Board
SWMU	Solid Waste Management Unit
TBD	to be determined
TPH	total petroleum hydrocarbons
U.S.	United States
UST	Underground storage tank
U.S.C.	United States Code

## 1. PURPOSE

The purpose of this Finding of Suitability to Transfer (FOST) is to summarize how the notifications for petroleum products and other regulated material on Carve-outs I-C and II-U (Carve-out Areas) at former Marine Corps Air Station (MCAS) El Toro have been satisfied by the United States (U.S.) Department of the Navy (DON). The Carve-out Areas are real property made available through the Base Realignment and Closure (BRAC) process and are suitable for transfer by deed through provisions of Section 120(h) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). This FOST was prepared in accordance with the Base Redevelopment and Realignment Manual (Department of Defense [DoD] 2006), and is consistent with the DoD Base Reuse Implementation Manual (DoD 1997).

## 2. PROPERTY DESCRIPTION

Former MCAS El Toro is located in central Orange County, California, (Figure 1) and was operationally closed in July 1999. The property proposed for transfer under this FOST consists of two carve-outs comprising approximately 3.9 acres (Figure 2) described as follows:

Carve-out I-C consists of approximately 0.1 acre in the northeastern portion of the former base. This carve-out was created during preparation of the 2004 Finding of Suitability to Lease (DON 2004a) when a portion of an underground pipeline (Norwalk-El Toro Pipeline) was believed to exist within this area. However, based on a detailed review of the pipeline physical alignment, it was determined that no portion of the pipeline was within Carve-out I-C (Enviro Compliance Solutions, Inc. [ECS] 2008). No buildings or utilities are located on the carve-out.

Carve-out II-U consists of approximately 3.8 acres in the northeastern portion of the former base. This carve-out contained a portion of the Norwalk-El Toro Pipeline that was removed in the fall of 2006, with the exception of approximately 100 feet of pipeline that remains under Agua Chinon Wash. No buildings or utilities are located on the carve-out.

### Norwalk El Toro Pipeline Background

The Norwalk-El Toro Pipeline was a 29.5-mile, 8-inch diameter carbon steel pipeline that was constructed in 1956 by the U.S. Army Corps of Engineers to convey fuel from the Defense Fuel Supply Point (DFSP) in Norwalk, California to MCAS El Toro. The portion of pipeline within the boundary of former MCAS El Toro ranged between 2 and 15 feet in depth commencing at Irvine Boulevard and terminating at the former Tank Farm 555 (Figure 2). In June 1999, the Norwalk-El Toro Pipeline was closed. The entire length of the pipeline was pigged, water-washed, and pigged again to remove remaining solids and moisture. The pipeline was then filled with nitrogen gas, sealed and maintained at a pressure of 25 pounds per square inch. No known petroleum releases from the Norwalk-El Toro Pipeline have occurred within the property associated with this FOST (ECS 2008).

## 3. REGULATORY COORDINATION

The former MCAS El Toro was listed on the U.S. Environmental Protection Agency (EPA) National Priorities List under CERCLA in February 1990. The Defense Environmental Restoration Program (DERP), codified as 10 United States Code (U.S.C.) 2701–2709, gave the DoD Installation Restoration Program a statutory basis. The DON implements the DERP subject to, and in a manner consistent with, CERCLA and its regulations.

The Department of Toxic Substances Control (DTSC) has reviewed and commented on this document. The U.S. EPA concurred that the Carve-outs were suitable to transfer in December 2007

(U.S. EPA 2007). The Regional Water Quality Control Board (RWQCB) was notified of the initiation of this FOST and has been issued copies for review.

In October 1990, U.S. EPA Region 9, Department of Health Services (now referred to as the California EPA/DTSC), RWQCB and the DON signed a Federal Facility Agreement (FFA) (DON 1990).

While preparing this FOST, it was determined that the 2003 Environmental Baseline Survey (EBS) (Earth Tech 2003) did not include the DFSP Norwalk-El Toro Pipeline within Carve-out Areas II-F and II-U. As a result, a Supplemental EBS was prepared to provide documentation related to the environmental condition of the DFSP Norwalk El-Toro Pipeline within Carve-out Areas II-F and II-U (ECS 2008). The FFA signatories have concurred with the Draft Final Supplemental EBS as follows: U.S. EPA March 2007, RWQCB June 2008, and DTSC June 2008.

No comments from the public or any other interested parties were received on the Draft Final FOST#3 during the 45-day public comment period from July 9, 2008 through August 23, 2008. Per FOST policy in the DoD Base Redevelopment and Realignment Manual, comments to this FOST from regulatory agencies and other interested parties, as well as DON responses to comments have been provided in this Final FOST as Attachment 1.

### 3.1 RESOURCE CONSERVATION AND RECOVERY ACT PART B PERMIT AND SUBTITLE C CORRECTIVE ACTION

This FOST reviews sites that were evaluated and addressed under DON's CERCLA and DERP authority as well as sites addressed under the corrective action requirements of Resource Conservation and Recovery Act (RCRA) Subtitle C (for Solid Waste Management Units [SWMUs]) and RCRA Subtitle I (for underground storage tanks [USTs]) and associated state laws and regulations administered by U.S. EPA, the State of California, and the County of Orange. These corrective action authorities are similar to CERCLA in that they require response/corrective action (cleanup) where necessary in order to ensure adequate protection of human health and the environment. See Section 121(d) of CERCLA, Health and Safety Code (HSC) Section 25296.10(b), Title 23 California Code of Regulations (CCR) Sections 2720 (definition of "corrective action") and 2725(c), and Title 22 CCR Section 66264.101(a).

DON received DTSC (DTSC 1995) and U.S. EPA (U.S. EPA 1995) regulatory concurrence on uncontaminated property identified and documented in the 1995 EBS (Jacobs Engineering Group [JEG] 1995), which included the property now referred to as Carve-outs I-C and II-U. Based on that investigation, a CERCLA action was not required. A decision that no action is required in order to protect human health and the environment, made by DON or an environmental regulator under those laws and regulations, also supports a DON determination under Section 120(h) of CERCLA that no hazardous substances and no petroleum products or their derivatives were known to have been released, or disposed and a determination that all necessary RCRA Subtitle C corrective action has been completed.

The former MCAS El Toro is subject to a RCRA Part B permit that was issued in June 1993 and expired on 18 August 2003. The permit addressed one regulated unit (Building 673-T3) as well as RCRA corrective action requirements for SWMUs. The RCRA permit incorporated the FFA for MCAS El Toro by reference and provided, in relevant part: "The activities required by the Agreement are intended to satisfy the corrective action requirements of RCRA Section 3004(u) and (v), 42 U.S.C. Section 6924(u) and (v). The Agreement and any schedules contained therein are hereby incorporated by reference as the schedule for completing corrective action at the facility..." (Subsection V.A.1 of the permit). The FFA itself specifically requires that RCRA corrective action requirements be addressed in the FFA process. See subsections 1.1(b), 1.2(e), 3.1, 17.1, 17.2, 17.3, and 19 of the FFA (DON 1990).

The rationale for integrating CERCLA and RCRA corrective action requirements in this fashion is straightforward. The cleanup standard for CERCLA is set forth in Section 121 of CERCLA (CLEANUP STANDARDS), which states in relevant part of Subsection 121(b)(1): "...The President shall select a remedial action that is protective of human health and the environment..." (42 U.S.C. Section 9621(b)(1)). The cleanup standard for RCRA Subtitle C corrective action in the State of California is set forth at Title 22 CCR Section 66264.101(a) and provides, "The owner or operator of a facility seeking a permit for the transfer, treatment, storage, or disposal of hazardous waste shall institute corrective action as necessary to protect human health and the environment for all releases of hazardous waste or constituents from any solid or hazardous waste management unit at a facility, regardless of the time at which waste was placed in such unit." See also HSC Sections 25187 and 25200.10(b).

In a letter dated 8 March 1996, DTSC concurred with no further action (NFA) for Building 673-T3 and stated that the Permit was terminated based on the Closure Certification Report that was submitted by DON (DTSC 1996). DON continues to complete all RCRA Part B permit corrective actions for the SWMUs under the 1990 executed FFA.

DTSC proposed a RCRA corrective action complete determination for this FOST property (see Attachment 2), as well as a California Environmental Quality Act (CEQA) Notice of Exemption (NOE).

### 3.2 RESOURCE CONSERVATION AND RECOVERY ACT SUBTITLE I CORRECTIVE ACTION

The Orange County Health Care Agency (OCHCA) and the RWQCB administer the UST corrective action program at MCAS El Toro pursuant to RCRA Subtitle I and Section 25280-25299.8 of the California HSC. The authority of OCHCA and the RWQCB to require corrective action at UST sites is set forth at Title 23 CCR Chapter 16.

These regulations specifically define "corrective action" as "...any activity necessary to investigate and analyze the effects of an unauthorized release; propose a cost-effective plan to adequately protect human health, safety, and the environment and to restore or protect current and potential beneficial uses of water; and implement and evaluate the effectiveness of the activity(ies)..." (Title 23 CCR Section 2720). Furthermore, Section 2725(c) of the regulations sets forth requirements for Corrective Action Plans prepared by responsible parties and states that, "The regulatory agency shall concur with the Corrective Action Plan after determining that implementation of the plan will adequately protect human health, safety, and the environment and will restore and protect current potential beneficial uses of water."

NFA letters issued by the OCHCA have specifically stated that NFA determinations were based upon Section 2721(e) of those regulations which provides "Upon completion of required corrective action, the regulatory agency shall inform the responsible party in writing that no further work is required at that time, based on available information."

HSC Section 25296.10(a) was recently amended and now provides that the State Water Resource Control Board "...shall develop corrective action requirements for health hazards and protection of the environment, based on the severity of the health hazards and the other factors listed in subdivision (b)..." HSC Section 25296.10(b) provides, "Any corrective action conducted pursuant to this chapter shall ensure protection of human health, safety, and the environment."

The corrective action cleanup standard for USTs implemented by the RWQCB and OCHCA are codified in HSC 25296.10(b), Title 23 CCR 2720 (definition of "corrective action") and Title 23 CCR 2725(c) (soil and water investigation phase, corrective action plan).

This FOST does not include any UST sites for which Subtitle I corrective actions have been completed and NFAs received. Those USTs in which DON is still in the process of completing corrective actions are discussed in the Final Finding of Suitability to Lease for Carve-outs within Parcels I, II, and III, Former Marine Corps Air Station El Toro, California (DON 2004a).

### 3.3 RESOURCE CONSERVATION AND RECOVERY ACT CORRECTIVE ACTION COMPLETE DETERMINATION

DTSC provided the following paragraphs summarizing the DTSC RCRA Corrective Action Complete Determination at former MCAS El Toro.

DTSC is the agency responsible for enforcing the hazardous waste laws and regulations in California. California was granted authorization by the EPA to administer a state hazardous waste program in lieu of the federal RCRA program. The Hazardous Waste Control Law codified in the HSC is the basic law that implements the waste management system in California. Section 25200.10 and 25187 of Chapter 6.5 of Division 20 of the HSC provides the authority to require corrective action at a hazardous waste facility. It states that DTSC, and any permit issued by DTSC, shall require corrective action for all releases of hazardous waste or constituents from a SWMU or a hazardous waste management unit. For the purpose of implementing corrective action, a hazardous waste facility is defined as all contiguous property under the control of the owner or operator of the facility (CCR, Title 22, Section 66260.10 [Definition of a Hazardous Waste Facility]). DTSC's determination that all corrective action has been completed for a portion of a facility eliminates the requirement to conduct further corrective action from the current and future owners of the property. Attachment 2 summarizes DTSC's intent to make the RCRA Corrective Action Complete Determination for portions of the former MCAS El Toro identified in FOST #3.

On July 9, 2008 a notice was published in the Los Angeles Times and the Orange County Register. The notice invited public review and comment on the DTSC's proposed RCRA Corrective Action Complete Determination and RCRA Hazardous Waste Facility Boundary Modification and on the DON's Draft Final FOST #3 for Carve-outs I-C and II-U at the former MCAS El Toro. The same notice also discussed DTSC's proposed NOE prepared for the project under the CEQA. Additionally, DTSC mailed the public notice to all individuals on the MCAS El Toro mailing list (approximately 500) on July 8, 2008. The 45-day public comment period began on July 9, 2008 and continued through August 23, 2008. DTSC received no comments during the 45-day public comment period and has made a decision to approve the RCRA Corrective Action Complete Determination and the RCRA Hazardous Waste Facility Boundary Modification. The DON did not receive any public comments on the Draft Final FOST #3. The Final RCRA Corrective Action Complete Determination Package can be found in Attachment 2.

## 4. SUMMARY OF ENVIRONMENTAL CONDITIONS AND NOTIFICATIONS

This section summarizes the actions and notifications taken to satisfy requirements related to petroleum products and other regulated material.

Table 1 identifies the environmental notifications applicable to the Carve-out Areas. Based on an evaluation of the environmental investigations and Supplemental EBS report (ECS 2008), petroleum products and asbestos-containing material (ACM) were present within Carve-out II-U.

In addition to the notification of petroleum products and other regulated material, there is a notification requirement for the storage or release of hazardous substances. The Carve-out Areas were evaluated during the initial phase of environmental assessment and the results were documented in the Final EBS (Earth Tech 2003). The EBS concluded that no hazardous substances were stored or released on the Carve-out Areas. Therefore, these carve-outs have no use restrictions.



#### 4.1 NOTIFICATIONS

##### 4.1.1. Petroleum Products

A portion of the DFSP pipeline was located within Carve-out II-U (Figure 2). The pipeline conveyed petroleum-based fuels to the former Tank Farm 555 until June 1999; petroleum products were not stored within the pipeline. At that time it was closed in accordance with federal, state, and local regulations (ECS 2008). The pipeline was removed in the fall of 2006, with the exception of approximately 100-feet that was left in place under Agua Chinon Wash (Figure 2). This section of pipeline was closed in place because the appropriate permits were not obtained prior to the fall 2006 pipeline removal activities (Section 4.1.3. Jurisdictional Waterway and Wetland).

During excavation and removal, the pipeline and adjoining areas were visually inspected for soil staining and for other indications of leaks, none were observed. Additionally, three soil samples were collected from the excavated trench spoils and analyzed for total petroleum hydrocarbons (TPH) as diesel and jet petroleum fuel, grade 5 (JP-5) using EPA Method 8015M. TPH results from the three soil samples were below the laboratory method detection limits (ECS 2008).

Prior to closing the trench, the portion of the pipeline remaining (approximately 100 linear feet) under Agua Chinon Wash was inspected for residual fuel. At that time it was determined that approximately 60-gallons of a fuel-water mixture remained in the pipeline. In preparation for closure in place, the section of pipe beneath the Agua Chinon Wash was flushed with a hydro jetter and water. At one end of the pipe using the hydro jetter, water was flushed and the rinsate was flushed into a vacuum truck. Approximately 380 gallons of total fluids was generated and disposed off-site. Both ends of the pipe were filled with concrete and wrapped with 6-mil polyethylene sheeting and the trench was backfilled. A summary of petroleum products conveyed, stored, released, or disposed of within Carve-out II-U is provided in Attachment 3 – Petroleum Products Notification Table.

##### 4.1.2. Asbestos-Containing Material (ACM)

It is DoD policy to manage ACM in a manner protective of human health and the environment, and to comply with all applicable federal, state and local laws and regulations governing ACM hazards (DoD 1994). Therefore, unless it is determined by competent authority that the ACM on the property poses a threat to human health at the time of transfer, all property containing ACM will be conveyed, leased or otherwise conveyed “as is”. ACM is considered to be a threat to human health if it is located within the interior of a building/structure/facility, and is friable, accessible, and damaged. The portion of the pipeline removed was wrapped with a ½-inch-thick bituminous-based, fiber-impregnated tape that contained a small amount of non-friable asbestos fibers. Following pipeline removal, a total of 13 soil samples were collected from the excavation trench floor and analyzed for possible asbestos content using EPA Method 600/R-93/116. No asbestos fibers were detected in any of the soil samples (ECS 2008). Subsequently, individual sections of the pipe were wrapped in plastic prior to disposal at a licensed landfill (ECS 2008).

The approximate 100 foot section of pipeline that remains under Agua Chinon Wash is wrapped with ½-inch-thick bituminous-based, fiber-impregnated tape that contains a small amount of non-friable asbestos fibers. The transferee shall manage asbestos and ACM in accordance with all applicable federal, state, and local laws and other requirements related to asbestos and ACM.

##### 4.1.3. Jurisdictional Waterway and Wetland

Department of Army permit file number SPL 2006-1452-CJF, dated 30 April 2007, identifies Agua Chinon Wash as a jurisdictional waterway and wetland. Accordingly, appropriate permits from the Army Corps of Engineers, the California Department of Fish and Game, and the RWQCB, would be

required in order to remove this approximate 100-foot portion of the pipeline under Agua Chinon Wash.

#### 4.1.4 School Site Considerations

If, subsequent to transfer, any portions of the property found suitable to transfer by this FOST is considered for the proposed acquisition and /or construction of school properties utilizing state funding, a separate environmental review process in compliance with the California Education Code section 17210 et seq. will need to be conducted by the transferee and approved by DTSC (Brownfields and Environmental Restoration Program). The California Education Code requires that a comprehensive evaluation of natural and manmade hazardous materials be conducted for school properties. This comprehensive evaluation requires additional investigation of hazardous materials outside the scope of CERCLA hazardous substances. This additional evaluation includes: legally applied pesticides and herbicides, imported fill materials, naturally occurring hazardous substances such as heavy metals (e.g., chromium, mercury, nickel), metalloids (e.g., arsenic, selenium), gases (e.g., methane, hydrogen sulfide), radioactive elements (e.g., radon gas) and naturally occurring petroleum deposits. The evaluation also includes ACM and lead based paint at concentrations that fall outside the scope of CERCLA. Any requirements associated with the evaluation of any property for compliance with the California Education Code are the sole responsibility of the transferee.

### 5. COVENANT

The deed for transfer will include a covenant made pursuant to CERCLA Section 120(h)(4)(D)(i) that any response action or corrective action found to be necessary after the date of transfer shall be conducted by the United States. This covenant shall not apply to any response action or corrective action required on the property that is a result of an act or omission of the transferee.

### 6. ACCESS CLAUSE

The deed shall reserve and the transferee shall grant to the United States an appropriate right of access to Carve-outs I-C and II-U, pursuant to the provisions of CERCLA Section 120(h)(4)(D)(ii), to enable the DON, the DTSC, the RWQCB, and U.S. EPA, to enter the transfer property in any case in which remedial or corrective action is found to be necessary after the date on which the property is transferred. In addition, the deed will provide for a right of access for the United States to traverse property owned by the transferee to gain access to property still owned by the United States.

### 7. FINDING OF SUITABILITY TO TRANSFER

Based on the information contained in this FOST, and the notices, restrictions, and covenants that will be contained in the deed, the property is suitable for transfer.

Date: 9/02/08 Signature: Laura Duchnak  
Laura Duchnak  
Director BRAC PMO West

## 8. REFERENCES

- California Department of Toxic Substances Control (DTSC). 1995. *Letter. Environmental Baseline Survey (EBS) Marine Corps Air Station El Toro*. May.
- \_\_\_\_\_. 1996. *Letter. Acceptance of Closure Certification: Hazardous Waste Storage Area (Building 673-3T) Marine Corps Air Station El Toro, Santa Ana, California (EPA ID No. CA 6170023208)*. March.
- \_\_\_\_\_. 2008. *Letter. Final Supplemental Environmental Baseline Survey (SEBS) Report On-Station Portion of the Defense Fuel Supply Point Norwalk-El Toro Pipeline, Former Marine Corps Station El Toro, Irvine, California*. June.
- California Regional Water Quality Control Board. 2008. *Email. Former MCAS El Toro, On-Station Portion of DFS Pipeline, SEBS*. June.
- Department of Defense (DoD). 1994. Asbestos, Lead Paint, and Radon Polices at BRAC Properties. Memorandum for Assistant Secretary of the Army (Installations, Logistics, and Environment); Assistant Secretary of the Air Force (Manpower, Reserve Affairs, Installations, and Environment); and Director, Defense Logistics Agency. From Principle Assistant Deputy Under Secretary of Defense (Environmental Security). October.
- \_\_\_\_\_. 1997. *Base Reuse Implementation Manual*. Office of the Deputy Under Secretary of Defense (Industrial Affairs and Installations). December.
- \_\_\_\_\_. 2006. *Base Redevelopment and Realignment Manual*. Office of the Deputy Under Secretary of Defense (Installations and Environment). March.
- Earth Tech, Inc. (Earth Tech). 2003. *Final Environmental Baseline Survey, Former Marine Corps Air Station, El Toro, California*. September.
- Enviro Compliance Solutions, Inc. (ECS). 2008. *Final Supplemental Environmental Baseline Survey Report for On-Station Portion of the Defense Fuel Supply Point Norwalk El Toro Pipeline, Former Marine Corps Air Station El Toro, California*. June.
- Jacobs Engineering Group (JEG). 1995. *Marine Corps Air Station El Toro, El Toro, California, Installation Restoration Program, Final Environmental Baseline Survey Report*. April.
- Department of the Navy (DON) Southwest Division, Naval Facilities Engineering Command (NAVFAC SW). 1990. *Federal Facility Agreement* between the DON, U.S. EPA Region IX, California Department of Health Services, and Regional Water Quality Control Board.
- 2004a. *Final Finding of Suitability to Lease, for Carve-outs within Parcels I, II and III, Former Marine Corps Air Station El Toro, California*. July
- 2004b. *Final Finding of Suitability to Transfer, (Parcel IV and Portions of Parcels I, II and III), Former Marine Corps Air Station El Toro, California*. July
- United States Environmental Protection Agency (U.S. EPA). 1995. *Letter. Marine Corps Air Station El Toro Uncontaminated Property Identification*. March.

\_\_\_\_\_. 2007. Letter. Draft Final Supplemental Environmental Baseline Survey (EBS) Report for On-Station Portion of the Defense Fuel Supply Point Norwalk El Toro Pipeline Former Marine Corps Air Station, El Toro, California. March.

\_\_\_\_\_. 2007. Letter. Concurrence on Finding of Suitability to Transfer #3 (Portions of Parcels I & II [I-C and II-U]), Former Marine Corps Air Station El Toro, Irvine, California. December

Table

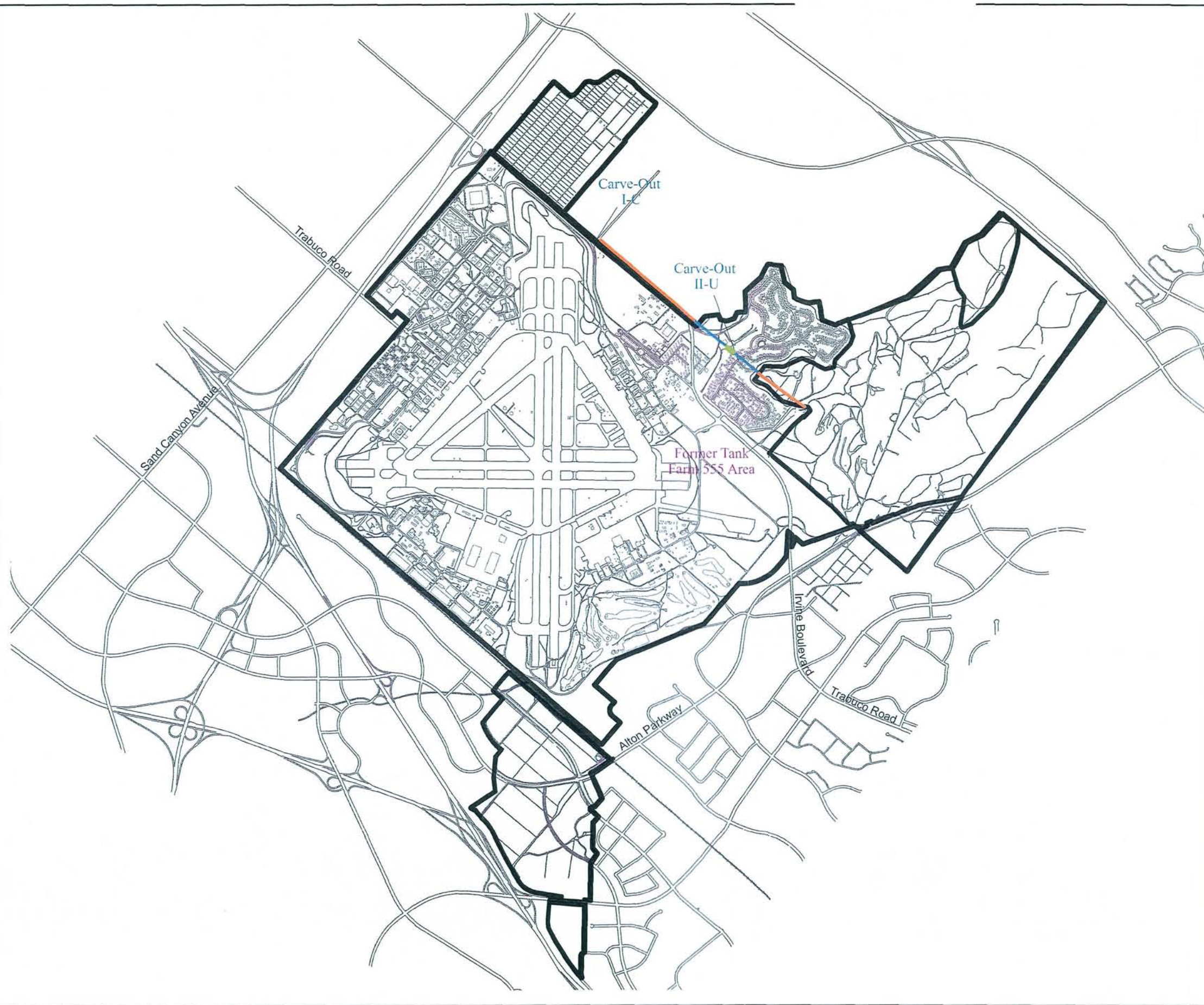
Table 1. Environmental Notifications

APPLICABLE TO PROPERTY		APPLICABLE TOPICS
NO	YES	
X		Presence of Hazardous Substances (Notification)
X		CERCLA/RCRA (Response/Corrective Actions)
	X	Presence of Petroleum Products and Derivatives (Notification)
X		UST/AST Storage Tanks (Closure/Removal)
X		Munitions and Explosives of Concern – Response Actions
	X	Asbestos-Containing Material (Abatement/Notification)
X		Lead-Based Paint, Target Housing and Residential Property (Abatement/Notification)
	X	Jurisdictional Waterway and Wetland
X		PCBs (Notification)

AST = aboveground storage tank  
 CERCLA = Comprehensive Environmental Response Compensation and Liability Act  
 PCB = polychlorinated biphenyl  
 RCRA = Resource Conservation and Recovery Act  
 UST = underground storage tank

## Figures





### LEGEND

- Property Boundary
- Roads
- Carve-Out Number (FOST #3)
- Carve-Out Number (FOST #3)
- Pipeline Route on Navy Property
- Pipeline Portion Outside Navy Property
- Portion of Pipeline Closed-in-Place Under Agua Chinon Wash

### SOURCE

Final Supplemental Environmental Baseline Survey,  
Former Marine Corps Air Station  
El Toro, California. ECS 2008.

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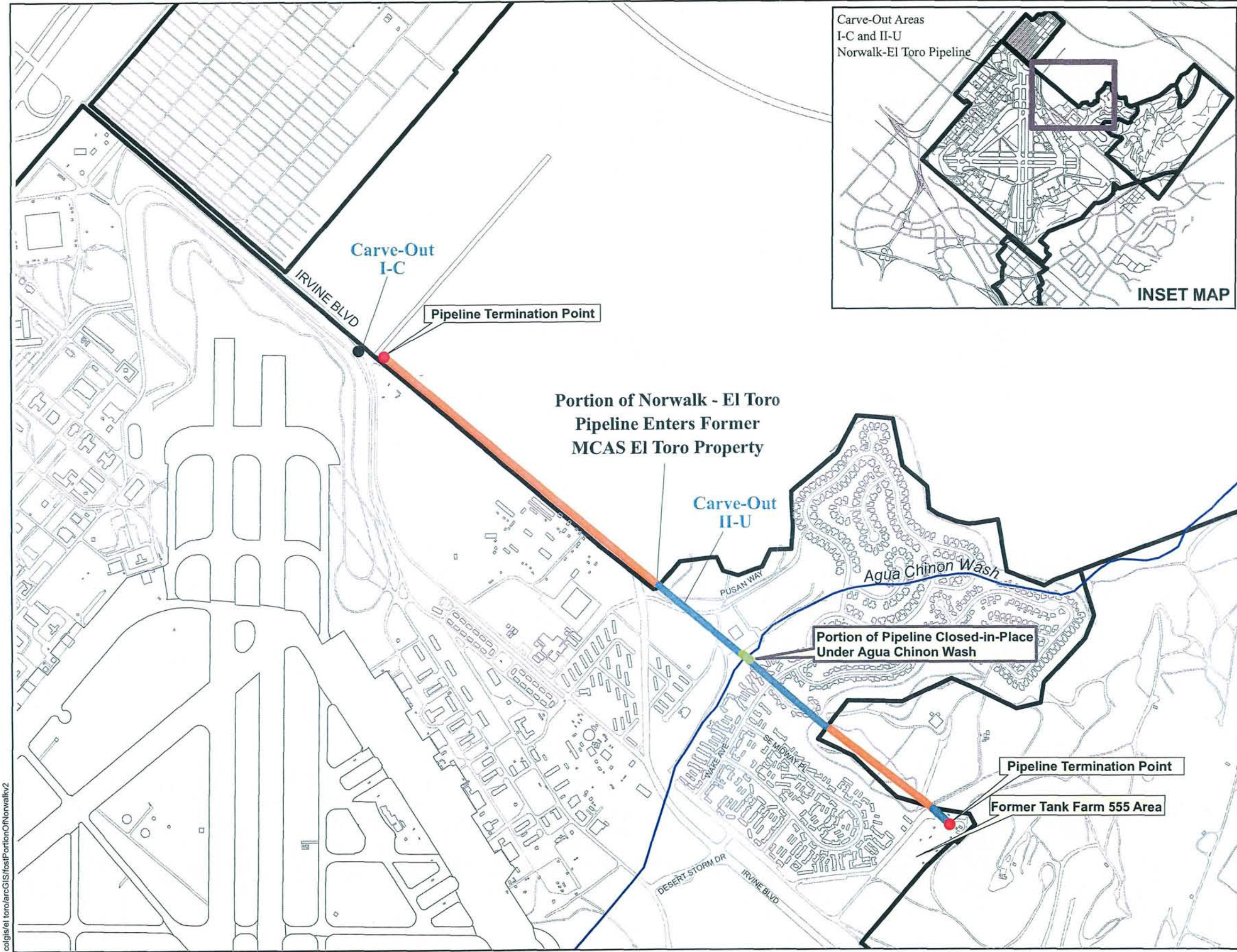
August 2008



3,000 1,500 0 3,000 Feet

**FIGURE 1**  
**El Toro Base Map**  
**Finding of Suitability to Transfer**  
**(FOST #3)**  
**Former MCAS El Toro**  
**California**





**LEGEND**

- Property Boundary
- Roads
- Buildings
- II-U Carve-Out Number
- Pipeline Route on Navy Property
- Pipeline Portion Outside Navy Property
- Portion of Pipeline Closed-in-Place Under Agua Chinon Wash
- Agua Chinon Wash

**SOURCE**

Final Supplemental Environmental Baseline Survey, Former Marine Corps Air Station El Toro, California. ECS 2008.

**NOTES**

- Indicates pipeline between two termination points was removed, except portion closed-in-place below Agua Chinon Wash

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1,100 550 0 1,100 Feet

**FIGURE 2**  
**Carve-Out Areas I-C and II-U**  
**Finding of Suitability to Transfer**  
**(FOST #3)**  
**Former MCAS El Toro**  
**California**



**Attachment 1**  
**Comments/Response to Comments**

No comments from the public or any other interested parties were received on the Draft Final FOST#3 during the 45-day public comment period from July 9, 2008 through August 23, 2008.

**Document Titles:**

Draft Final Finding of Suitability to Transfer #3 (Portions of Parcels I and II) (I-C and II-U), Former Marine Corps Air Station, El Toro, CA, May 2006

Reviewer: Quang Than, Remedial Project Manager, Department of Toxic Substances Control, Dated: January 24, 2008

Comment No.	Section/ Page No.	Comment	Response
1.	General	The Navy has concluded that the property covered by FOST #3 is uncontaminated and therefore subject to CERCLA section 120(h)(4) (Response to U.S. EPA comment #4 and to DTSC comment # 5b). CERCLA section 120(h)(4) applies only to property on which no hazardous substances and no petroleum products or their derivatives were known to have been released or disposed of. However, a section of the pipeline, which was wrapped by an asbestos-containing tape, remains in place and the underlying soil has not been investigated for asbestos and petroleum products release. This contradicts the CERCLA section 120(h)(4) requirement. We suggest that this contradiction be avoided by stating in the FOST, e.g., in Section 2, that this left-in-place pipeline section is not covered in this FOST.	DoD policy is to manage ACM in a manner protective of human health and the environment, and to comply with all federal, state, and local laws and regulations governing ACM hazards (DoD 1994). Therefore unless it is determined by competent authority that the ACM in property poses a threat to human health at the time of transfer, all property containing ACM will be conveyed, leased, or otherwise conveyed "as is" through the BRAC process. ACM is considered to be a threat to human health if it is located within the interior of a building/structure/facility, and is friable, accessible, and damaged. The pipe wrap that contains a small amount of non-friable asbestos fibers that is relevant to this FOST is encased underground so therefore does not pose a risk to human health or the environment and is consistent with the CERCLA section 120(h)(4) requirement. However, a notification is included in Section 4.1 which requires the transferee to manage asbestos and ACM in accordance with all applicable federal, state, and local laws and other requirements related to asbestos and ACM.
2.	General	The Draft Final FOST #3 (November 2007) is significantly changed from the Draft FOST #3 (May 2007). The Navy states that the FOST was revised to conform with the March 2006 DoD Base Redevelopment and Realignment Manual. This Manual states the FOST will substantially follow the outline in the Manual's Appendix AP3. This Appendix states the FOST need not repeat information documented elsewhere but should state the actions taken and provide references to other documents (AP3.3.3.1). The Navy notes that items not present with the new format include copies of regulatory agency concurrence letters. However, references to these concurrence letters should be included in the FOST in accordance with the Manual. Inclusion of the concurrence letters in the FOST would also facilitate RCRA corrective action completeness determination. References should be added to Section 3.1, paragraph 2 "DON received regulatory concurrence on uncontaminated property ... "; Response to DTSC General Comment, "EPA concurred [with the Draft Final SEBS] on 1 Mar 2007";	<p>The current text of FOST #3 reflects 2006 BRRM guidance. In compliance with that guidance closure related letters will be referenced.</p> <p>Text has been added to Section 3 to clarify that the FFA signatories have concurred with the Draft Final Supplemental EBS as follows: U.S. EPA March 2007, RWQCB June 2008, and DTSC June 2008. Each has also been inserted into Section 8, References.</p>

**Document Titles:**

Draft Final Finding of Suitability to Transfer #3 (Portions of Parcels I and II) (I-C and II-U), Former Marine Corps Air Station, El Toro, CA, May 2006

Reviewer: Quang Than, Remedial Project Manager, Department of Toxic Substances Control, Dated: January 24, 2008

Comment No.	Section/ Page No.	Comment	Response
		Response to DTSC Comment #4b, "Regulatory agencies that concur with investigation findings will be identified in the FOST text ..."	
3.	Section 3	The 1990 FFA should be described in FOST Section 3 (Regulatory Coordination). Note that it is referenced in Section 3.1 (RCRA Part B Permit and Subtitle C Corrective Action) and listed in Section 6 (References).	Per guidance of the 2006 BRRM which prescribes not to repeat information from other documents, but to provide references the following text will be included in Section 3:  "In October 1990, U.S. EPA Region 9, Department of Health Services (now referred to as the California EPA/DTSC), Santa Ana RWQCB, and the DON signed a Federal Facility Agreement (FFA)." (DON 1990)
4.	Section 3.1 and Section 3.2	Section 3.1 (RCRA Part B Permit and Subtitle C Corrective Action) describes RCRA corrective action requirements and states that DTSC intends to complete a RCRA corrective action complete determination for the FOST parcels and a CEQA Notice of Exemption. Section 3.2 (RCRA Corrective Action Complete Determination) describes in detail the actions involved in such a determination, including dates for public notification and other activities for the FOST #3 parcels. DTSC previously commented on the language in this section (see DTSC Comments #4c, 4e, 4f), but the FOST text has not all been revised in response to those comments. Note that DTSC has not yet made a corrective action complete determination, and it is not appropriate for the FOST to state that DTSC will or will not conduct certain activities unless and until DTSC has made a decision regarding whether or not to conduct those activities.	The RCRA language contained in Sections 3.1 and 3.2 has been revised to be consistent with the original FOST (Parcel IV and Portions of Parcels I, II and III), July 2004 and FOST 2.
5.	Section 3.1	The citation of 22 CCR 66264.101(a) in Section 3.1 should be corrected to reflect the regulatory language.	See response to Comment #4 above.
6.	General	It is unclear why the RCRA Subtitle I Corrective Action section in the Draft FOST was not included in the Draft Final FOST. This deleted section described corrective action at UST sites and no further action letters related to that corrective action.	The RCRA Subtitle I Correct Action section has been added to this FOST.  As appropriate "no further action" letters will be referenced in the document.
7.	General	It is unclear why the section on School Site Considerations was not included in the Draft Final FOST. This deleted	A notification regarding School Site Considerations has been added to Section 4.1 consistent with previous El Toro FOSTs.

**Document Titles:**

Draft Final Finding of Suitability to Transfer #3 (Portions of Parcels I and II) (I-C and II-U), Former Marine Corps Air Station, El Toro, CA, May 2006

*Reviewer: Quang Than, Remedial Project Manager, Department of Toxic Substances Control, Dated: January 24, 2008*

Comment No.	Section/ Page No.	Comment	Response
		section described the separate environmental review process required for school sites.	
8.	General	The Draft Final Supplemental EBS for the On-Station Portion of the Defense Fuel Supply Point Norwalk El Toro Pipeline is close to being finalized. Upon finalization, the final version of the EBS should be listed in Section 6 (References).	The Supplemental EBS was finalized in June 2008 and the reference has been updated.

**Attachment 2**  
**Final RCRA Corrective Action**  
**Complete Determination Package**



Linda S. Adams  
Secretary for  
Environmental Protection



## Department of Toxic Substances Control

Maureen F. Gorsen, Director  
5796 Corporate Avenue  
Cypress, California 90630



Arnold Schwarzenegger  
Governor

August 28, 2008

Marine Corps Air Station El Toro  
Base Realignment and Closure  
Attn: Ms. Debra Theroux  
Deputy Base Closure Manager  
7040 Trabuco Road  
Irvine, California 92618

CONCURRENCE ON FINDING OF SUITABILITY TO TRANSFER #3 (CARVE-OUTS  
I-C AND II-U), FORMER MARINE CORPS AIR STATION EL TORO, IRVINE,  
CALIFORNIA


Dear Ms. Theroux:

The California Department of Toxic Substances Control (DTSC) has reviewed the electronic version of the final *Finding of Suitability to Transfer #3 (Carve-Outs I-C and II-U), Former Marine Corps Air Station El Toro, California* (FOST 3), dated August 2008. DTSC finds that all of our comments on previous versions of FOST 3 have been adequately addressed.

FOST 3 provides environmental findings that establish Carve-outs I-C and II-U as being suitable for transfer by deed. DTSC concurs that the property associated with FOST 3 can be transferred with the specified conditions, notifications, and covenants in a manner that is protective of human health and the environment.

Thank you for providing DTSC with the opportunity to review FOST 3. If you have any questions regarding this letter, please contact Mr. Quang Than at (714) 484-5352 or [qthan@dtsc.ca.gov](mailto:qthan@dtsc.ca.gov).

Sincerely,



John E. Scandura  
Performance Manager  
Brownfields and Environmental Restoration Program



Ms. Debra Theroux  
August 28, 2008  
Page 2 of 2


cc:

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Restoration Advisory Board  
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Linda S. Adams  
Secretary for  
Environmental Protection



## Department of Toxic Substances Control

Maureen F. Gorsen, Director  
5796 Corporate Avenue  
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Arnold Schwarzenegger  
Governor

August 28, 2008

Marine Corps Air Station El Toro  
Base Realignment and Closure  
Attn: Ms. Debra Theroux  
Deputy Base Closure Manager  
7040 Trabuco Road  
Irvine, California 92618

### RESOURCE CONSERVATION AND RECOVERY ACT CORRECTIVE ACTION COMPLETE DETERMINATION, FORMER MARINE CORPS AIR STATION EL TORO, IRVINE, CALIFORNIA

Dear Ms. Theroux:

The California Department of Toxic Substances Control (DTSC) completed its review of the Finding of Suitability to Transfer #3 (FOST 3) document dated August 2008. This document applies to Carve-outs I-C and II-U at the former Marine Corps Air Station, El Toro (MCAS El Toro) and provides environmental findings that this property is suitable for transfer by deed. Based upon its review of FOST 3 and other supporting documentation, DTSC finds that corrective action pursuant to the California Health and Safety Code, chapter 6.5, section 25200.10 has been completed for Carve-outs I-C and II-U proposed for transfer. The hazardous waste facility boundary of MCAS El Toro is hereby modified to exclude the property identified for transfer by deed.

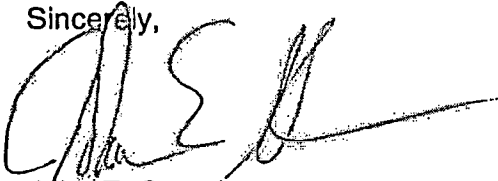
MCAS El Toro is a hazardous waste facility that operated under a Resource Conservation and Recovery Act (RCRA) Part B Storage Permit, which expired in 2003. As a hazardous waste facility, MCAS El Toro must undertake corrective action for all releases of hazardous waste or constituents on all contiguous property it owned or operated. RCRA corrective action requirements for the FOST carve-outs have been completed through site inspections and investigations overseen by the DTSC, the Santa Ana Regional Water Quality Control Board, and the United States Environmental Protection Agency under the Comprehensive Environmental Response, Compensation, and Liability Act. No known releases of hazardous waste or constituents occurred on the FOST 3 property. Supporting documentation for FOST 3 also finds that the deed transfer property will not be negatively impacted by adjacent and contiguous properties where corrective action is not complete.

Ms. Debra Theroux  
August 28, 2008  
Page 2 of 3

This Corrective Action Complete Determination is based on the completeness of environmental assessments to identify releases and the accuracy of documentation provided to DTSC. Should new information arise about uncontrolled releases of hazardous wastes, substances, or constituents on the Carve-outs subject to transfer, DTSC reserves the right to require corrective action.

If you have questions or comments concerning this matter, please contact Mr. Quang Than at (714) 484-5352 or [qthan@dtsc.ca.gov](mailto:qthan@dtsc.ca.gov).

Sincerely,




John E. Scandura  
Performance Manager  
Brownfields and Environmental Restoration Program

cc:

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Ms. Debra Theroux  
August 28, 2008  
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Ms. Jennifer Rich  
Brownfields and Environmental Restoration Program  
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5796 Corporate Avenue  
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**NOTICE OF EXEMPTION**

**To:** Office of Planning and Research  
State Clearinghouse  
P.O. Box 3044, 1400 Tenth Street,  
Room 212  
Sacramento, CA 95812-3044

**From:** Department of Toxic Substances Control  
Brownfields and Environmental Restoration  
Program  
5796 Corporate Avenue  
Cypress, CA 90630

**Project Title:** Corrective Action Complete Determination for Finding of Suitability to Transfer (FOST) #3 (Carve-outs I-C and II-U) and Change of Facility Boundary at Former Marine Corps Air Station El Toro, CA

**Project Location:** Former Marine Corps Air Station, El Toro (MCAS El Toro)

**County:** Orange

**Project Description:**

The Department of Toxic Substances Control (DTSC) is making a determination that corrective action has been completed for approximately 3.9 acres of property at the former MCAS El Toro as identified in FOST #3 (Carve-outs I-C and II-U), dated August 2008. These carve-outs were subject to corrective action requirements of the California Hazardous Waste Control Law and the federal Resource Conservation and Recovery Act (RCRA) because they were part of the property of MCAS El Toro, which is an inactive RCRA hazardous waste facility. MCAS El Toro had a RCRA permit that expired in 2003. The RCRA corrective action requirements for the FOST carve-outs have been completed through site inspections and investigations overseen by the DTSC, the Regional Water Quality Control Board, Santa Ana Region (RWQCB), and the United States Environmental Protection Agency (U.S. EPA) under the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA). This RCRA corrective action complete determination allows the Department of the Navy (DON) to transfer identified carve-outs to new owners without transferring the associated RCRA corrective action liability. There are no additional physical activities associated with this corrective action complete decision by DTSC for the MCAS El Toro FOST #3 carve-outs.

The DON is retaining approximately 982.4 acres of the facility where closure and corrective action have not been completed. This retained property remains subject to RCRA closure and corrective action requirements. On June 13, 2008, the DON submitted to DTSC a map showing the new boundaries of the former MCAS El Toro hazardous waste facility after removing the FOST carve-outs. Consistent with its proposed decision that RCRA corrective action has been completed, DTSC is changing the boundaries of the former MCAS El Toro RCRA hazardous waste facility property.

**Background:**

Construction of the former MCAS El Toro began in July 1942, and the Station was commissioned in March 1943. El Toro was a United States Marine Corps pilot's fleet operational training center and air station in support of Fleet Marine Forces, Pacific. Station activities included aircraft operations and maintenance. The 1993 Defense Base Realignment and Closure (BRAC) Commission recommended MCAS El Toro for closure. MCAS El Toro was operationally closed in 1999. MCAS El Toro occupied 4,712 acres until 1998, when 23 acres were transferred to the California Department of Transportation for an expansion of California Interstate 5. In 2001, 896.7 acres of the northeast portion were transferred to the Federal Aviation Administration. In 2004 (FOST #1) and

2005 (FOST #2) a total of 2,806 acres were transferred to a private developer. FOST #3 includes two carve-outs consisting of approximately 3.9 acres. The remaining 982.4 acres are not currently suitable for transfer, and are being retained by the DON until environmental response actions, including closure and corrective action, are completed.

MCAS El Toro was listed on the U.S. EPA National Priorities List and a Federal Facility Agreement was signed under CERCLA in 1990. Since then, MCAS El Toro has been performing CERCLA environmental clean up and restoration under the guidance and regulatory authority of DTSC, the RWQCB, and the U.S. EPA.

#### The FOST #3 Carve-Outs:

The "Final Finding of Suitability to Transfer #3 (Carve-outs I-C and II-U), Former Marine Corps Air Station El Toro, California", dated August 2008, summarizes the site inspections and investigations conducted on the carve-outs. FOST #3 was available for public review concurrent with DTSC's proposed Corrective Action Complete Determination from July 9, 2008 through August 23, 2008. The purpose of this FOST is to summarize the actions and notifications taken by the DON to satisfy the requirements related to petroleum products and other regulated material on Carve-outs I-C and II-U at former MCAS El Toro. The FOST carve-outs are real property made available through the BRAC process and are suitable for transfer by deed through provisions of Section 120(h) of CERCLA. In addition, the FOST identifies disclosure notifications, as specified in the Notifications section, necessary to protect human health and the environment.

The property proposed for transfer under this FOST consists of two carve-outs comprising approximately 3.9 acres. The following is a description of the FOST carve-outs:

Carve-out I-C consists of approximately 0.1 acre located in the northeastern portion of the former Station. This carve-out was created during preparation of the 2004 Finding of Suitability to Lease because a portion of an underground pipeline (Norwalk-El Toro Pipeline) was believed to exist within this area. However, based on a detailed review of the pipeline physical alignment, it was determined that no portion of the pipeline was within Carve-out I-C. This carve-out has been identified as uncontaminated property. No buildings or utilities are located on the carve-out.

Carve-out II-U consists of approximately 3.8 acres and is located in the northeastern portion of the former Station. This carve-out contained a portion of the Norwalk-El Toro Pipeline that was removed in the fall of 2006, with the exception of approximately 100 feet of pipeline that was closed in place and remains under Agua Chinon Wash. Originally, the entire pipeline within Carve-out II-U was slated for removal in the fall of 2006. However, when Agua Chinon Wash was identified as a jurisdictional waterway and wetland, it was determined that the section of pipeline under Agua Chinon Wash could not be removed without the proper permits in place. These permits were not in place in the fall of 2006 when the pipeline removal activities were underway. This carve-out has been identified as uncontaminated property. No buildings or utilities are located on the carve-out.

FOST #3 includes a Notifications section which provides notifications for petroleum products, asbestos-containing material, schools, jurisdictional waterway and wetlands. These notifications, which will be included in the deed for transfer, will ensure post-transfer use of the FOST carve-outs is protective of human health and the environment. There are no restrictions associated with this FOST.

Finally, in accordance with CERCLA, FOST #3 provides for an access clause and a covenant. CERCLA requires that for any property transferred from federal ownership to non-federal public or private ownership, the deed will contain a covenant warranting that any response action or corrective action found to be necessary after the date of transfer shall be conducted by the United States. In accordance with this requirement, the deed for transfer of Carve-outs I-C and II-U will include such a covenant.

Name of Public Agency Approving Project: Department of Toxic Substances Control

Name of Person or Agency Carrying Out Project: Department of Toxic Substances Control

Exemption Status: (check one)

- ☐ Ministerial [PRC, Sec. 21080(b)(1); CCR, Sec. 15268]
- ☐ Declared Emergency [PRC, Sec. 21080(b)(3); CCR, Sec. 15269(a)]
- ☐ Emergency Project [PRC, Sec. 21080(b)(4); CCR, Sec. 15269(b)(c)]
- ☐ Categorical Exemption: [State type and section number]
- ☐ Statutory Exemptions: [State code section number]
- ☒ General Rule [CCR, Sec. 15061(b)(3)]

Exemption Title: With certainty, no possibility of a significant environmental effect.

Reasons Why Project is Exempt:

1. The project does not involve physical activities at the former MCAS El Toro. The project is an administrative decision by DTSC that previously completed site inspections and investigations conducted under the regulatory oversight of DTSC, RWQCB, and the U.S. EPA on the property identified in FOST #3 as Carve-outs I-C and II-U, have satisfied the corrective action requirements under RCRA and California Hazardous Waste Control Law. The boundary defining the former MCAS El Toro hazardous waste facility is being modified to exclude the FOST #3 property. No offsite impacts will occur as a result of moving the facility boundaries.
2. An approximate 100 foot section of pipeline in Carve-out II-U is being left in place and notifications, which will be included in the deed for transfer, will ensure post-transfer use of the FOST carve-out is protective of human health and the environment.
3. The entire former MCAS El Toro is listed on the Hazardous Waste and Substances Site List and on the Calsites List. However, the property identified in FOST #3 as Carve-outs I-C and II-U was found to be uncontaminated. The 1995 Environmental Baseline Survey (EBS) Report supports this finding as does the 2003 EBS which did not identify any contamination within the portion of the Norwalk-El Toro pipeline that lies within the boundary of Former MCAS El Toro. The following information supports these findings:
  - A. There is no history of releases from the operation of the Norwalk-El Toro pipeline within the boundary of former MCAS El Toro. The June 2008 Supplemental EBS included the following information regarding the Norwalk-El Toro pipeline:
    - I. The pipeline was constructed in 1956. The 8-inch pipeline was constructed of A53 Type I seamless steel and was coated, or wrapped, with a ½-inch thick bituminous-based, fiber-impregnated tape, commonly referred to as "ceramic mastic." To prevent stress

fractures in areas of high stress, the pipeline was enclosed in a vented casing, a larger diameter steel pipe (usually 12 inches) that is sealed at each end. The vent permitted airflow between the pipes.

- II. The buried pipeline was protected from corrosion by a cathodic protection system that used electric current to prevent minerals from adhering to the pipe and reacting with the metal, resulting in holes. The design of the cathodic protection system included four rectifiers and hundreds of anodes along the pipeline. Corrosion attacks the "sacrificial" anodes, rather than the pipeline. The anodes last about 15 years before they must be replaced. The quality of the protection was checked regularly at test stations along the line.
- III. The pipeline was hydro tested in 1993 at 125 percent of normal operating pressure and no leaks occurred at that time.

B. There is no evidence of residual contamination with regard to the approximate 100 foot section of pipeline being left in place in Carve-out II-U based upon the following:

- I. The Norwalk-El Toro pipeline was closed in June 1999. The entire length of the pipeline was pigged, water-washed, and pigged again to remove remaining solids and moisture. The pipeline was then filled with nitrogen gas, sealed, and maintained at 25 psi. A small amount of water (approximately 50-75 gallons) from the June 1999 hydro test remained in the flat section of the pipeline under Agua Chinon Wash. This discovery of residual water, after 7 years, validated the pipeline's integrity. It demonstrated that the entire exposed sections of pipeline, as well as sections of pipeline beneath the Agua Chinon Wash, were in stable condition with no leaks.
- II. In preparation for closure in place, the section of pipe beneath the Agua Chinon Wash was flushed with a hydro jetter and water. At one end of the pipe using a hydro jetter, water was flushed and the rinsate was vacuumed up at the other end by a vacuum truck. Approximately 380 gallons of total fluids was generated and disposed off-site. Both ends of pipeline sections were filled with concrete and wrapped with 6-mil polyethylene sheeting and the trench was backfilled.

C. With respect to the removed portion of the pipeline in Carve-out II-U:

- I. In conjunction with the fall 2006 on-Station pipeline removal activities, thirteen soil samples were collected from the bottom of the pipeline trench at 300-foot intervals and analyzed for asbestos content using USEPA method EPA-600/R-93/116. No asbestos fibers were detected in the sampled soils. Also, three soil samples were collected from the excavated trench spoils at locations of 900, 1,500, and 2,000 linear feet along the trench and were analyzed for TPH as diesel and JP-5. TPH results from the three soil samples were below the laboratory method detection limits.
4. The June 2008 SEBS stated that during the preparation of the 2003 EBS, an evaluation of the environmental condition of adjacent properties was conducted to assess possible impacts on the pipeline route. Visual inspections of contiguous adjacent properties and the surrounding area were conducted from publicly accessible streets and thoroughfares. A search of environmental databases was also conducted to identify sites that could have an environmental effect on the pipeline. The results of the visual inspections and the database search indicated no apparent



activity in the vicinity of the pipeline that would negatively impact the pipeline easement land.

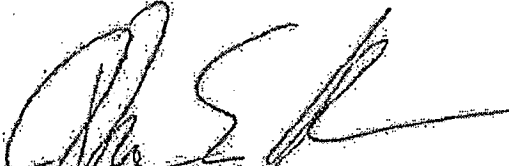
As stated previously, the Norwalk-El Toro pipeline was closed in June 1999. The entire length of the pipeline was pigged, water-washed, and pigged again to remove remaining solids and moisture. The pipeline was then filled with nitrogen gas, sealed, and maintained at 25 psi. The off-Station portion of the pipeline is currently monitored/inspected daily to ensure its integrity. There is no contamination from the off-Station pipeline that would negatively impact the FOST #3 carve-outs.

In summary, DTSC finds that the RCRA corrective action is complete for these carve-outs since upon careful review it has been determined there are no known releases of CERCLA hazardous substances, petroleum, or petroleum derivatives that have occurred from the operation of the Norwalk-El Toro pipeline within the boundary of the Former MCAS El Toro.

Quang Than, Project Manager  
Lead Agency Contact Person

(714) 484-5352

Phone #



DTSC Performance Manager Signature

8/28/08

Date

John E. Scandura

Performance Manager

DTSC Performance Manager  
Name

Title

TO BE COMPLETED BY OPR ONLY

Date Received For Filing and Posting at  
OPR:

## PUBLIC NOTICE

MARINE CORPS AIR STATION (MCAS) EL TORO

Finding of Suitability to Transfer (FOST) #3  
and  
Proposed RCRA Corrective Action Complete  
Determination  
and  
RCRA Facility Boundary Modification

The Department of the Navy invites the public to review and comment on the Draft Final FOST #3 for certain property at the former MCAS El Tero. The Draft Final FOST #3 establishes that property specifically identified in that document is environmentally suitable for transfer in accordance with Section 120(h) of the Comprehensive Environmental Response, Compensation, and Liability Act.

The California Department of Toxic Substances Control (DTSC) invites the public to review and comment on a proposed Resource Conservation and Recovery Act (RCRA) Corrective Action Complete Determination ("RCRA Determination") and RCRA Hazardous Waste Facility Boundary Modification ("RCRA Boundary Modification"). DTSC finds that the RCRA corrective action requirements for the FOST property have been completed through site inspections and investigations, and proposes to include this property from the MCAS El Tero RCRA hazardous waste facility property boundary. A summary of DTSC's proposed RCRA Determination and RCRA Boundary Modification has been included in the Draft Final FOST #3 as a section of that document. DTSC has prepared a California Environmental Quality Act Notice of Exemption for the RCRA Determination and RCRA Boundary Modification.

Former MCAS El Tero is a RCRA hazardous waste facility (Facility). Its operating permit expired on August 18, 2005. Corrective action is required at RCRA Facilities to investigate and clean up contamination in the soil and groundwater from past practices. The Draft Final FOST #3 documents that all necessary corrective action has been completed for the property proposed for transfer by deed. DTSC has determined that corrective action requirements continue to apply to the remaining former MCAS El Tero property. The maps and detailed descriptions of the property are included in the FOST #3 document. The National Priorities List boundary for former MCAS El Tero remains unchanged.

PUBLIC REVIEW AND COMMENT PERIOD  
July 9 through August 23, 2008

The public is encouraged to comment on the Draft Final FOST #3 and DTSC's proposed RCRA Determination and RCRA Boundary Modification for former MCAS El Tero during the 45-day public comment period. These documents are available for public review and comment at former MCAS El Tero and at the Information Repository for former MCAS El Tero.

To review copies of these and other associated documents at former MCAS El Tero, please contact Mr. Marge Fleish at (949) 726-5308. The information repository is located at Heritage Park Regional Library, 14501 Yale Avenue, Irvine, California, (949) 551-7151 (call for current hours).

## Submitting Public Comments

Written comments submitted on the Draft Final FOST #3 should be postmarked, faxed, or e-mailed by August 23, 2008, and sent to:

Ms. Debra Theroux  
Deputy Base Closure Manager  
Former MCAS El Tero  
4000 Trabuco Road, Irvine, CA 92618  
Fax: (949) 726-5585  
e-mail: debra.theroux@navy.mil

Written comments on the proposed RCRA Determination and RCRA Boundary Modification should be postmarked, faxed, or e-mailed by August 23, 2008, and sent to:

Mr. Quang Tran  
DTSC Project Manager  
2706 Corporate Avenue, Cypress, CA 90630  
Fax: (714) 484-5437  
e-mail: qtran@dtsc.ca.gov

For more information on the Draft Final FOST #3, please call Ms. Debra Theroux at (949) 551-7151.

For more information on the RCRA Determination and RCRA Boundary Modification, please call Mr. Quang Tran at (714) 484-5532. Also visit DTSC's EnviroSite website at: <http://www.envirosite.dtic.mil>

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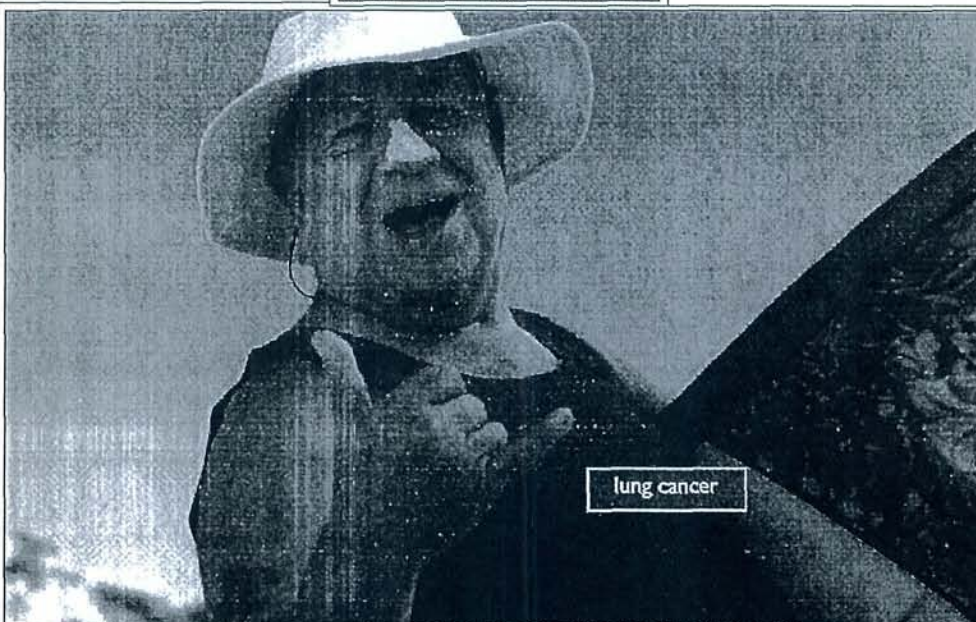
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## BRIEFLY

Czech Republic  
and U.S. sign  
defense pact

**PRAGUE, CZECH REPUBLIC** • The United States and leaders of the Czech Republic agreed Tuesday to place a radar system in this former Soviet satellite that would warn of long-range missiles coming to Europe from the Middle East.

But Secretary of State Condoleezza Rice turned old Cold War rhetoric away from Moscow and toward Tehran as she signed the first solid treaty in what have been difficult negotiations.

Iran looms as an ever-larger threat and the next U.S. president is unlikely to walk away from the missile defense system the Bush



PETR DAVID JOSEK, THE ASSOCIATED PRESS

**DISSENT:** Policemen wait for a protest march opposing the signing of a preliminary missile defense treaty Tuesday between the U.S. and the Czech Republic in Prague.

vote, finished nearly 6 points behind in the exit poll, which was released Tuesday by researchers from UC San Diego.

Opposition leader Rada Odinga scored "a clear win

The Bush administration opposes a timeline, saying U.S. troops will leave based on conditions rather than calendars.

Defence chief forced

Despite oil boom,  
Saudis feel poorer

While gasoline is only 45 cents a gallon, inflation takes a toll on average citizens.

BY DONNA ABU-NAEER  
THE ASSOCIATED PRESS

**RIYADH, Saudi Arabia** • Sultan al-Mazeen recently stopped at a gas station to fill up his SUV, paying 45 cents a gallon - about one-tenth what Americans pay these days.

But the Saudi technician says Americans shouldn't be jealous. Inflation that has hit 30-year highs on everything else in the kingdom is making Saudis feel



## PUBLIC NOTICE

**MARINE CORPS AIR STATION (MCAS) EL TORO**  
Finding of Suitability to Transfer (FOST) #3  
and  
Proposed RCRA Corrective Action Complete  
Determination  
and  
RCRA Facility Boundary Modification

The Department of the Navy invites the public to review and comment on the Draft Final FOST #3 for certain property at the former MCAS El Toro. The Draft Final FOST #3 concludes that property specifically identified in that document is environmentally suitable for transfer in accordance with Section 120(h) of the Comprehensive Environmental Response, Compensation, and Liability Act.

The California Department of Toxic Substances Control (DTSC) invites the public to review and comment on a proposed Resource Conservation and Recovery Act (RCRA) Corrective Action Complete Determination ("RCRA Determination") and RCRA Hazardous Waste Facility Boundary Modification ("RCRA Boundary Modification"). DTSC finds that the RCRA corrective action requirements for the FOST property have been completed through site inspections and investigations, and proposes to exclude this property from the MCAS El Toro RCRA hazardous waste facility property boundary. A summary of DTSC's proposed RCRA Determination and RCRA Boundary Modification has been included in the Draft Final FOST #3 as a section of that document. DTSC has prepared a California Environmental Quality Act Notice of Exemption for the RCRA Determination and RCRA Boundary Modification.

Former MCAS El Toro is a RCRA hazardous waste facility (Facility). Its operating permit expired on August 18, 2003. Corrective action is required at RCRA Facilities to investigate and clean up contamination in the soil and groundwater from past practices. The Draft Final FOST #3 documents that all necessary corrective action has been completed for the property proposed for transfer by deed. DTSC has determined that corrective action requirements continue to apply to the remaining former MCAS El Toro property. The maps and detailed descriptions of the property are included in the FOST #3 document. The National Priorities List boundary for former MCAS El Toro remains unchanged.

**PUBLIC REVIEW AND COMMENT PERIOD**  
July 9 through August 23, 2008

The public is encouraged to comment on the Draft Final FOST #3 and DTSC's proposed RCRA Determination and RCRA Boundary Modification for former MCAS El Toro during the 45-day public comment period. These documents are available for public review and comment at former MCAS El Toro and at the Information Repository for former MCAS El Toro.

To review copies of these and other associated documents at former MCAS El Toro, please contact Ms. Marge Flesch at (949) 728-5398. The information repository is located at Heritage Park Regional Library, 14361 Yale Avenue, Irvine, California, (949) 551-7151 (call for current hours).

## Submitting Public Comments

Written comments submitted on the Draft Final FOST #3 should be postmarked, faxed, or e-mailed by August 23, 2008, and sent to:

Ms. Debra Theroux  
Deputy Base Closure Manager  
Former MCAS El Toro  
7400 Trabuco Road, Irvine, CA 92618  
Fax: (949) 726-6586  
email: debra.theroux@navy.mil

Written comments on the proposed RCRA Determination and RCRA Boundary Modification should be postmarked, faxed, or e-mailed by August 23, 2008, and sent to:

Mr. Quang Than  
DTSC Project Manager  
5796 Corporate Avenue, Cypress, CA 90630  
Fax: (714) 484-5437  
e-mail: qthan@dtsc.ca.gov

For more information on the Draft Final FOST #3, please call Ms. Debra Theroux at (619) 532-0919.

For more information on the RCRA Determination and RCRA Boundary Modification, please call Mr. Quang Than at (714) 484-5352. Also visit DTSC's EnviroStor website at: <http://www.envirostor.dtsc.ca.gov/public>

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**Notice  
of  
Proposed Corrective Action Complete  
Determination  
Former Marine Corps Air Station El Toro  
Orange County, California**



The California Department of Toxic Substances Control (DTSC) is providing this notice to the community to review and comment on a proposed Resource Conservation and Recovery Act (RCRA) Corrective Action Complete Determination at the Former Marine Corps Air Station (MCAS) El Toro. This notice provides information regarding the purpose of the determination, the property subject to this determination, and opportunity for public comment.

### **Introduction**

MCAS El Toro was commissioned in 1943 as a Marine Corps pilot fleet operation training facility and was expanded into a master jet station and Marine Corps aviation center. The facility included runways, aircraft maintenance, training facilities, housing, and other support facilities. MCAS El Toro was operationally closed in July 1999. The majority of the facilities are now vacant and the primary activities at the station are caretaker-related activities and environmental investigation and cleanup of contaminated properties.

### **What is RCRA Corrective Action?**

Corrective action is required of a hazardous waste facility to clean up contamination that resulted from past practices on their entire property. A hazardous waste facility is any facility that treats, stores, or disposes of hazardous waste in accordance with authorization issued under RCRA. MCAS El Toro had a RCRA permit that expired in August 2003. Permitted facilities are required to clean up contaminated soil, surface water, and groundwater to protect human health and the environment under a process known as corrective action.

A RCRA Corrective Action Complete Determination officially recognizes that all hazardous waste contamination has been cleaned up. It allows the Navy to transfer clean carve-outs at Former MCAS El Toro to new owners without transfer of the liability for corrective action.

At Former MCAS El Toro, DTSC proposes to make this determination based on the completion of site inspections and investigations conducted under the Comprehensive

### **Public Comment Period**

**July 9, 2008  
to  
August 23, 2008**

The Department of Toxic Substances Control (DTSC) invites you to review and comment on the proposed Corrective Action Complete Determination for Carve-outs I-C and II-U at the Former MCAS El Toro, as described in the Navy's Finding of Suitability to Transfer #3 (FOST 3). As the proposed determination will not create a significant effect upon the environment, DTSC has proposed a California Environmental Quality Act (CEQA) Notice of Exemption, which is also available for review.

**All written comments on the proposed Corrective Action Complete Determination must be postmarked, faxed, or e-mailed no later than August 23, 2008, and sent to:**

Quang Than  
Project Manager  
DTSC  
5796 Corporate Avenue  
Cypress, CA 90630

Fax: (714) 484-5437  
e-mail: [qthan@dtsc.ca.gov](mailto:qthan@dtsc.ca.gov)

For more information please call  
Mr. Quang Than at  
(714) 484-5352. Also visit DTSC's  
EnviroStor website at:  
<http://www.envirostor.dtsc.ca.gov/public>

Environmental Response, Compensation, and Liability Act (CERCLA) and overseen by DTSC, the Regional Water Quality Control Board (RWQCB) and the United States Environmental Protection Agency (U.S. EPA).

Not all of MCAS El Toro has been cleaned up. The Navy is retaining ownership of approximately 982.4 acres that are not currently suitable for transfer due to ongoing investigation and cleanup work. RCRA Closure and Corrective Action requirements continue to apply to the retained property. A map showing the original and revised MCAS El Toro hazardous waste facility boundaries is attached.

### **The Land Proposed for Transfer**

The Navy's Finding of Suitability to Transfer #3 (FOST 3) documents the environmental suitability of federally owned property at MCAS El Toro for transfer to non-federal ownership consistent with CERCLA and Department of Defense policy. The FOST 3 identifies notifications necessary to protect human health and the environment that apply to the property being proposed for transfer.

*The Draft Final FOST #3 (Carve-outs I-C and II-U), Former Marine Corps Air Station El Toro, California, July 2008, summarizes the Navy's environmental investigation activities conducted for each of the carve-outs proposed for transfer.*

The FOST 3 provides the necessary notifications, covenant, and access clause that will be contained in the deed for transfer. The FOST 3 carve-outs comprise approximately 3.9 acres of the Former MCAS El Toro. No buildings or utilities are located on the carve-outs. The property, now identified as Carve-outs I-C and II-U, was found to be uncontaminated; therefore, the FOST 3 concludes that corrective action has been completed for these carve-outs.

For more information about the carve-outs, please see the FOST 3 in its entirety.

This DTSC determination shall have no effect upon the MCAS El Toro National Priorities List site designation.

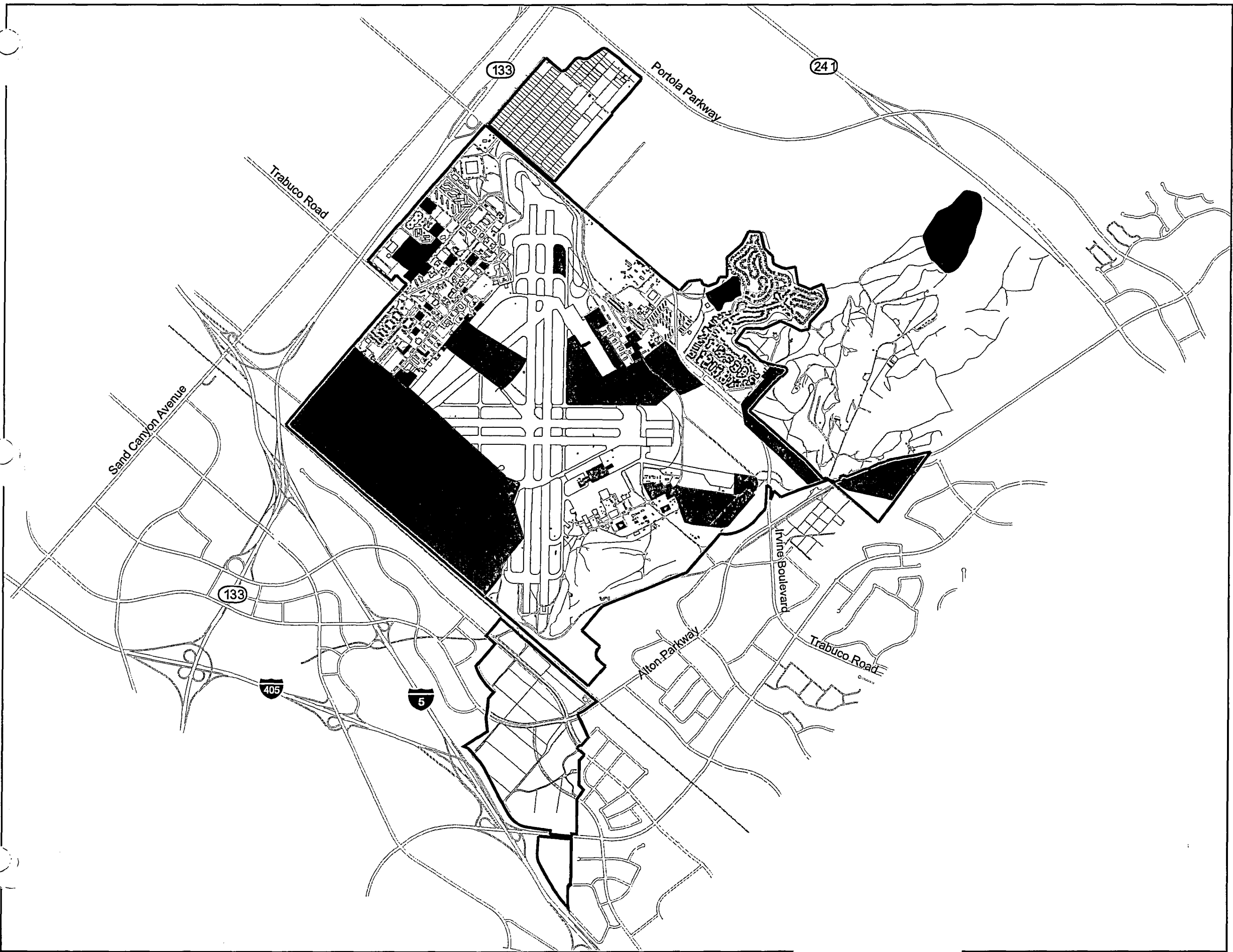
### **California Environmental Quality Act Notice of Exemption**

A draft Notice of Exemption (NOE) has been prepared for this project. DTSC has determined that the proposed RCRA Corrective Action Complete Determination for the FOST 3 carve-outs and the changes to the Former MCAS El Toro boundaries will have no significant environmental effect.

### **Information Repository**

The public is encouraged to review and comment on the proposed Corrective Action Complete Determination for Carve-outs I-C and II-U at the Former MCAS El Toro. The documents are available for review at Former MCAS El Toro; please contact Ms. Marge Flesch at (949) 726-5398. The information repository is located at: Heritage Park Regional Library, 14361 Yale Avenue, Irvine, California, (949) 551-7151 (call for current hours).

colgis/el\_toro/arcvieww/lune03/newfos2.apr



## LEGEND

- Property Boundary
- Roads
- Revised Boundary
- Corrective Action Complete Determination Area

## NOTES

Areas shaded have not yet received RCRA Corrective Action Complete Determination

## SOURCE

Final Environmental Baseline Survey,  
Former Marine Corps Air Station  
El Toro, California. 2003

Final Finding of Suitability to Transfer,  
Former MCAS El Toro. 2004

Final Finding of Suitability to Lease,  
Former MCAS El Toro. 2004

Final Finding of Suitability to Transfer #2,  
Former MCAS El Toro. 2005

Draft Final Finding of Suitability to Transfer #3,  
Former MCAS El Toro. 2008



3000 0 3000 Feet

**DTSC's Revised Facility Boundary 2008  
Former MCAS El Toro  
California**

**Attachment 3**  
**Petroleum Products Notification Table**

**Attachment 3: Petroleum Products Notification Table**

<b>Carve-outs</b>	<b>Description</b>	<b>Petroleum Products<sup>a</sup></b>	<b>Dates of Operation</b>	<b>Activities Conducted At Site</b>
<b>Parcel I</b>				
I-C <sup>b</sup>	MSC Norwalk El Toro Pipeline	JP-5, JP-8, and Aviation Gas	1956-1999	C
<b>Parcel II</b>				
II-U	MSC Norwalk El Toro Pipeline	JP-5, JP-8, and Aviation Gas	1956-1999	C

**Notes:**

- a Includes only petroleum products which fall within the scope of the CERCLA petroleum exclusion set forth in CERCLA Section 101(14).
- b Carve-out I-C was created during preparation of the 2004 FOST (DON 2004b) when a portion of the underground pipeline was believed to exist within this area. However, based on a detailed review of the pipeline physical alignment, it was determined that no portion of the pipeline was within Carve-out I-C (ECS 2008). The Carve-out is included here for completeness.

Sources: Final Supplemental EBS for on-station portion of the DFSP Norwalk El Toro pipeline (ECS 2008); Final Environmental Baseline Survey, Former Marine Corps Air Station, El Toro, California (Earth Tech 2003).

C	=	Conveyed
CERCLA	=	Comprehensive Environmental Response, Compensation, and Liability Act of 1980
DFSP	=	Defense Fuel Supply Point
DON	=	Department of the Navy
EBS	=	Environmental Baseline Survey
ECS	=	Enviro Compliance Solutions, Inc.
FOST	=	Finding of Suitability to Transfer
JP-5	=	Jet Propulsion Fuel, Grade 5
JP-8	=	Jet Propulsion Fuel, Grade 8
MSC	=	Miscellaneous